

REMARKS

This amendment is responsive to the Final Office Action mailed on April 11, 2008. Claims 1-7 and 16-27 stand rejected. Claims 1 and 4 have been amended. Claims 28-31 are new. Claims 16-27 have been canceled from further consideration in this application. Applicant is not conceding that the subject matter encompassed by the canceled claims prior to this Amendment is not patentable over the art cited by the Examiner. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by the canceled claims, as presented prior to this Amendment, in one or more continuing applications. In view of the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

As an initial matter, Applicant would like to thank the Examiner for the courtesy of the telephone interview on May 27, 2008. During the interview Applicant proposed amendments to the claims consistent with the amendments submitted herewith. The Examiner agreed that the amendments to the claims overcame the current rejections, but stated that a further search would be necessary.

Applicant respectfully traverses the Examiner's rejections to the extent that they are maintained.

Objections to the Specification

The Examiner has objected to the specification for failing to provide proper antecedent basis for claim 16. Applicant has canceled claim 16 rendering the objection moot.

Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 16 and 21 under 35 U.S.C § 101 as being directed to non-statutory subject matter. Applicant has canceled claims 16 and 21 rendering their rejections moot.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-7 and 16-27 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,785,693 to DeLorme, et al. (*DeLorme*). Claims 16-27 have been canceled rendering their rejections moot. Of the remaining claims, claim 1 represents the only independent claim.

Applicant has amended independent claim 1 to further clarify the claimed invention. Claim 1 now recites “storing in the data structure a first anchor point that references the first directory, said first directory implemented on a first filesystem type” and “storing in the data structure a second anchor point that references the second directory, said second directory implemented on a second filesystem type different than the first.” Examples of types of filesystems are provided in the specification starting at page 2, line 16 through page 3, line 12. These examples consist of filesystem types due to operating system upgrades from FAT16, to FAT32 and to NTFS, for example, or filesystem types associated with different operating systems such as HP-UX, Solaris, AS/400, or Windows. Applicant’s claim 1 enables a filesystem conversion process that will operate concurrently with normal filesystem and operating system activity. (specification, page 16, lines 16-17). *DeLorme* fails to disclose multiple filesystem types as recited in Applicant’s claim 1. *DeLorme*’s filesystem implementation is on a single filesystem type as evidenced at col. 2, lines 5-30, which references multiple OATs in a single filesystem. Additionally at col. 6, lines 45-61, *DeLorme* discloses the methodology working on a single filesystem type.

With respect to the rejections under 35 U.S.C. § 103(a), Applicant submits that *DeLorme* fails to disclose or suggest a “first directory implemented on a first filesystem type” and a “second directory implemented on a second filesystem type different than the first” as recited by independent claim 1. Additionally, the Examiner provides no objective reason why one of ordinary skill in the art would be motivated to modify *DeLorme* to include the claimed

subject matter of claim 1. For these reasons, Applicant submits that amended independent claim 1 is patentable over *DeLorme*.

To further clarify Applicant's claimed invention, Applicant has added dependent claims 28-31 which illustrate multiple filesystem types, such as multiple filesystem types due to a filesystem upgrade as in claims 28 and 29, or multiple filesystem types due to filesystems associated with different operating systems as in claims 30 and 31. These new claims are supported throughout Applicant's specification and specifically at page 15, lines 2-8, and page 2, line 16 - page 3, line 2.

The remaining dependent claims 2-7 depend from amended independent claim 1 and are allowable for at least the same reasons stated above. Furthermore, these dependent claims recite unique combinations of elements not disclosed or suggested by *DeLorme*. However, in the interest of prosecutorial economy, these remaining claims will not be addressed separately herein.

Conclusion

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Application No. 10/777,870
Response dated May 29, 2008
Final Office Action dated April 11, 2008

Applicant is of the opinion that no additional fee is due as a result of this Amendment. Payment of all charges due for this filing is made on the attached Electronic Fee Sheet. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

May 29, 2008
Date

/Scott A. Stinebruner/
Scott A. Stinebruner
Reg. No. 38,323

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234